

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>Applicant:</b>	Allen	<b>Conf. No.:</b>	2538
<b>Serial No.:</b>	10/632,236	<b>Art Unit:</b>	2195
<b>Filing Date:</b>	07/31/2003	<b>Examiner:</b>	Wai, Eric Charles
		<b>Docket No.:</b>	RSW920030080US1 (IBMR-0037)

**Title: SYSTEM, METHOD AND PROGRAM PRODUCT FOR MAINTAINING SESSION INFORMATION DURING DYNAMIC RESOURCE ADDITIONS OR UPDATES**

Mail Stop Amendment  
Commissioner for Patents  
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Alexandria, VA 22313-1450

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Sir:

Applicants respectfully request a panel of experienced examiners perform a detailed review of appealable issues for the above-identified patent application pursuant to the Pre-Appeal Brief Conference Pilot Program. Applicants submit that the above-identified application is not in condition for appeal because the Office has failed to establish a prima facie case of obviousness based on an error in facts. Claims 1-17 are pending in this application.

In the Office Action dated August 13, 2008, claims 6 – 8 are rejected under 35 U.S.C. §103(a) as being unpatentable over Saboff et al. (US Pat. No. 6,185,734), hereinafter “Saboff” in view of Applicant’s Allegedly Admitted Prior Art (APPA). Claims 1 – 5 and 9 – 17 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Saboff, in view of APPA, and further in view of Tyrell, III (US Pat. No. 7,062,527), hereinafter “Tyrell”.

With respect to the 35 U.S.C. §103(a) rejection of claims 6-8, Applicants submit that AAPA and Saboff do not teach each and every limitation of the claimed invention. As the Office admits, Saboff only teaches a “generic computing platform that utilizes linked libraries.” Office Action, p. 2. Saboff discloses a system that allows for replacing libraries without restarting applications through the use of “proxy interfaces” to replace libraries on-the-fly. The Office appears to be attempting to argue that because Saboff generally discloses the concept of using a proxy interface in order to avoid restarting an application, it can be equated with the claimed system. However, this general concept of using an intermediary is not sufficient to form the basis of a rejection. The fact remains that Saboff does not teach each and every claimed limitation, including the use of a separate web application (a resource lookup web application) as an intermediary between a web application that will ultimately receive a resource (the original web application), and the resource.

The Office does admit that Saboff does not teach the use of a JAVA resource or even a web application. The Office attempts to cure this deficiency by citing to Paragraph [0002] of Applicant’s specification. The Office alleges that Para. [0002] teaches the use of web applications that utilize JAVA. Office Action, p. 2. Applicant disputes that Paragraph [0002] (cited by the Office as Admitted Prior Art) discloses any claim limitation of the claimed invention. In fact, paragraph [0002] of the specification, in its entirety, states:

[0002] Web application servers typically allocate each web application its own class loader. To this extent, new class files can be dynamically added to a web application (or replaced) without restarting the web application server. Unfortunately, when a particular web application receives new class files, it invalidates, and therefore loses, all its current session information. As known in the art, a session is a sequence of service requests by a single user using a single client to access a server. The information maintained in the session across requests is called session state. Session state may include both

information visible to the user (shopping cart contents, for example) and invisible application control information (such as user preferences).

Accordingly, Para. [0002] simply explains what sessions and session states are, and describes how new class files can be dynamically added to a web application, but unfortunately, when these new class files are received, the web application invalidates, and therefore loses, all its current session information. As such, this paragraph discusses a problem with the prior art. It does not disclose the use of a separate resource lookup web application as an intermediary between a web application that will ultimately receive a resource, and the resource, in order to solve the problem. Combining this paragraph with the Saboff reference still does not cure the deficiencies of Saboff, and clearly does not teach the claimed invention, specifically the use of a separate, dedicated, web application to serve the resource.

The Office states that it would have been obvious to one of ordinary skill in the art to modify Saboff to be used in a web application/JAVA environment. However, even if one were motivated to modify Saboff to be used in such an environment, none of the references cited by the Office disclose or teach the unique way in which the claimed invention operates. In other words, none of the references disclose how one would modify Saboff to actually work in a web application/JAVA environment, nor do they disclose the specific claimed elements of the claimed invention.

With respect to the rejection of claims 1-5 and 9-17, Applicant further asserts that the combination of Tyrell, III with Saboff and AAPA does not cure the deficiencies noted above. The Office notes that Saboff and AAPA do not teach the use of a resource lookup web application or the step of advertising the Java resource to the web application. The Office cites

to Tyrell, III to cure these deficiencies. However, as the Office notes, Tyrell, III teaches a server that periodically checks resource information and notifies hosts of any changes that may have occurred. The Office states that this system would motivate one of skill in the art to modify Saboff to include a resource lookup application and to install and advertise resources to web applications. Applicant disagrees with this logic jump. As discussed above, Saboff does not disclose any of the claimed limitations, and combining it with other generic, unrelated systems does not cure the deficiencies.

None of the references, singly or in combination, teach the limitation, present in all independent claims, that resources are obtained indirectly from a separate web application which acts as an intermediary, whose only duty is to serve Java resources. Since the Office is unable to find pertinent references as prior art that teaches the claimed features, the Office has not established a prima facie case of obviousness. As such, Applicant submits that this application is not in condition for appeal and should either be allowed as is, or re-opened for further prosecution.

The dependent claims are believed to be allowable based on the above arguments regarding the claims from which they depend, as well as for their own additional features.

Applicants respectfully submit that the application is not in condition for appeal. Should the examining panel believe that anything further is necessary to place the application in better condition for allowance or for appeal, they are requested to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

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